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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON, Plaintiff, **v.** **T. CATLETT, et al.,** Defendants.	08-CV-00161-H (BLM) **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF D. BELL; REQUEST FOR JUDICIAL NOTICE** Hearing: July 29, 2008 Time: 9:00 a.m. Courtroom: Suite 5140 Judge: The Honorable Barbara L. Major NO ORAL ARGUMENT REQUIRED

TO NEHEMIAH ROBINSON, PLAINTIFF IN PRO SE:

Please take notice that on July 29, 2008, at 9:00 a.m., in the above-referenced court, located at 940 Front Street, San Diego, California, 92101, Defendants will move the Court for an order dismissing the Complaint or portions thereof.

The Motion to Dismiss is made pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground Plaintiff failed to state a claim for which relief may be granted.

The motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of D. Bell in support and the Request for Judicial Notice and such other matters as the Court deems appropriate.

Dated: June 10, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DAVID S. CHANEY
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Senior Assistant Attorney General

MICHELLE DES JARDINS
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/s/ Sylvie P. Snyder

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SPS:lr

SD2008700357

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Nehemiah Robinson v. T. Catlett, et al.**

No.: **08-CV-00161-H (BLM)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 10, 2008, I served the attached **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF D. BELL; REQUEST FOR JUDICIAL NOTICE; REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT; and DECLARATION OF D. BELL IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Nehemiah Robinson
J-71342
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233-5002
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 10, 2008, at San Diego, California.

Laura Ruiz	*Laura Ruiz*
Declarant	Signature

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